

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

BRITTAIN J. PURCELLE,

Plaintiff,

vs.

**9:19-CV-479
(TJM/DJS)**

**NEPHEW, Corrections Officers, Clinton
Correctional Facility, and JIBUT, Corrections
Officer, Clinton Correctional Facility,**

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this *pro se* civil action, brought pursuant to 42 U.S.C. § 1983, to Magistrate Daniel J. Stewart for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Plaintiff alleges that the Defendants, corrections officers, violated his First Amendment rights while he was incarcerated. Plaintiff has since been released from prison and has not informed the Court of his new address. Defendants have filed a motion to dismiss for lack of prosecution. See dkt. # 27.

Magistrate Judge Stewart's Report-Recommendation, dkt. # 28, issued on December 4, 2020, recommends that the Court grant the motion to dismiss. Plaintiff did not inform the Court of his new address after leaving prison, despite his clear obligation to do so. Under the circumstances, Magistrate Judge Stewart finds, the Court should

dismiss the Complaint for non-compliance with the Court's orders and failure to prosecute.

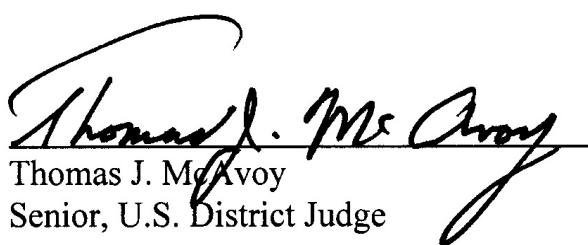
Neither party objected to the Report-Recommendation, and the time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation for the reasons stated therein.

Accordingly,

The Report-Recommendation of Magistrate Judge Stewart, dkt. #28, is hereby **ACCEPTED** and **ADOPTED**. Defendants' motion to dismiss, dkt. # 27, is hereby **GRANTED**. The Clerk of Court is directed to **CLOSE** the case.

IT IS SO ORDERED.

Dated: March 12, 2021



Thomas J. McAvoy
Senior, U.S. District Judge